



STATE OF UTAH

DEPARTMENT OF PUBLIC SAFETY



UTAH PEACE OFFICER STANDARDS AND TRAINING — INVESTIGATIONS BUREAU

POST INVESTIGATIONS BULLETIN

One of the duties of the Utah Council on Peace Officer Standards and Training is to establish rules of conduct for Utah's certified peace officers. During the Disciplinary Action portion of each POST Council, the Council reviews and rules on cases investigated by the POST Investigations Bureau. These POST Council decisions help define acceptable conduct for Utah peace officers. Therefore, POST periodically publishes decisions made by the POST Council for agency administrators to make this information available to all officers.

Please note that the actions taken by the POST Council are not binding precedent. The POST Council makes every effort to be consistent in its decisions, but each case is considered on its own individual facts and circumstances. The POST Investigations Bulletin is published to provide insight into the Council's position on various types of officer misconduct.

Case # 1 Illegal Importation Of Controlled Substances - Steroids

Officer A was a deputy. Officer B was a county corrections officer. Officer A and Officer B rented a car, drove to California, entered Mexico at Tijuana, and purchased anabolic steroids for personal use. At the United States Port of Entry, Officer A told Customs Officials that he and Officer B were Utah peace officers and that they were in Mexico on a prisoner transport. U.S. Customs officers searched their vehicle and found the illegal drugs in Officer A's gym bag and taped to Officer B's legs. Officer A and B were arrested by Federal Officers. The U.S. Attorney in San Diego decided to withhold prosecution of Officers A & B if Utah POST would take action against their peace officer certification.

POST originally sought a two-year suspension of Officers A's & B's certifications. The POST Council rejected this action and instructed the POST staff to seek revocations. Officer B, and eventually Officer A, signed Consent Agreements whereby they voluntarily agreed to the revocation of their peace officer certifications. The POST Council accepted the Consent Agreements.

Case #2 Forcible Sexual Abuse and Public Intoxication

Officer C was a correctional officer. He attended a New Years dance. He was intoxicated. He asked a female to dance; she refused. Officer C forced his hand the back of the female's pants and grabbed her buttocks. The victim was an off-duty, female deputy. Officer C was arrested. He entered a no contest plea to the charge of Forcible Sexual Abuse - 2nd Degree Felony, and Public Intoxication - Class C Misdemeanor.

POST mailed Officer C a Felony Revocation Letter officially informing him that based on his felony plea, his peace officer certification was permanently revoked.

Case#3 Acquiring A Controlled Substance By Prescription Alteration

Officer D was a county corrections officer. The local Narcotics Strike Force discovered that officer D, over a one year period, illegally obtained 92 prescriptions for controlled substance pain medications from 24 different medical providers in 3 different medical clinic systems. When confronted, Officer D readily

Case #3 Continued

admitted to his illegal activities. He entered a Plea in Abeyance to five counts of Acquiring a Controlled Substance By Prescription Alteration - 3rd Degree Felonies.

POST mailed Officer D a Felony Revocation Letter officially informing him that based on his felony plea, his peace officer certification was permanently revoked.

Case # 4 Obstruction Of Justice & Misuse of Public Money

Sheriff E was arrested and charged with: 2 counts of Obstruction Of Justice; Tampering With A Witness; 2 counts of Misuse of Public Money; 32 counts of Theft; Stealing, Destroying or Mutilating Public Records By Custodian; and Unlawful Dealing Of Property By A Fiduciary. A total of 7 Felonies and 2 Misdemeanors. Sheriff E entered a plea of guilty to 1 count of Obstruction Of Justice - 3rd Degree Felony and 1 count of Misuse of Public Money - 3rd Degree Felony.

POST mailed Sheriff E a Felony Revocation Letter officially informing him that based on his felony plea, his peace officer certification was permanently revoked.

Case # 5 Receiving Or Soliciting A Bribe & Items Prohibited In A Correctional Facility

Officer F was a state correctional officer. Officer F smuggled chewing and smoking tobacco, a cell phone, DVD player, DVDs, and a printer containing a

handgun to inmates housed in the State Prison. (He claims he did not know about the handgun.) It is estimated that the value of the items smuggled was around \$12,000. Officer F entered a plea of guilty to one count of Receiving or Soliciting a Bribe - 2nd Degree Felony, Money Laundering- 2nd Degree Felony, and two counts of Items Prohibited In a Correctional Facility - Class B Misdemeanors.

POST mailed Officer F a Felony Revocation Letter officially informing him that based on his felony plea, his peace officer certification was permanently revoked.

Case # 6 Driving Under the Influence of Alcohol

Officer G was a state correctional officer. He was arrested three times in four months for DUI.

POST policy directs that an officer convicted for three DUI's should have his/her peace officer certification revoked. Officer G voluntarily signed a Consent Agreement whereby he voluntarily agreed to the permanent revocation of his peace officer certification. The POST Council accepted the Consent Agreement.

Case # 7 Driving Under the Influence of Alcohol

Officer F was a state correctional officer who was arrested and convicted for DUI. This was his first DUI offense. He signed a Consent Agreement whereby he voluntarily agreed to a two-year suspension of his peace officer certification.

The POST Council accepted the Consent Agreement.